

# Exhibit 28

**AFFIDAVIT OF EBONY CLARK**

STATE OF NEW YORK     )  
                                      )     ss.:  
COUNTY OF NEW YORK    )

EBONY CLARK, being duly sworn, deposes and says:

1.     I am an African-American Copy Assistant at the New York Post working on the City Desk.

2.     I was hired by the New York Post in December 2007 as a Copy Assistant with the goal of becoming a full time reporter.

3.     I was told at the time of my hire that I would become a full time reporter within 1-2 years.

4.     Prior to working for the Post I worked for a number of nationally recognized magazines as an intern and as a writer.

5.     However, every time I applied for full time position, I was given numerous excuses for the Post's decision to deny my requests.

6.     By way of example only, when I have applied for positions in different departments, I have been told by certain editors that they could not permit me to perform work for a different department because it was against the Post's policies.

7.     However, other white Copy Assistants on the City Desk were routinely permitted to apply for, and receive, open positions in other departments.

8. As a result, I have remained a Copy Assistant for approximately the last two years.

9. In contrast, a white Copy Assistant who started working for the Post at the same time as I did was promoted and given multiple reporter positions within approximately six months.

10. Other white Copy Assistants at the Post who also started working as Copy Assistants at approximately the same time as I did were given reporting shifts as much as a year ago.

11. Finally, in August 2009, I was given a single reporting shift on Fridays. Even in this capacity, I am often given the least favorable reporting assignments available to the News Desk.

12. In addition, I believe the work environment at the New York Post is filled with racial and sexual discrimination.

13. The vast majority of the reporters, managing editors and other news staff are white and male.

14. Specifically, there is currently only one editor at the Post who is not white.

15. Moreover, high level editors at the Post have repeatedly made racist, sexist and offensive comments in my presence.

16. By way of example only, in or around January 2009, I was filling in for an administrative assistant on the Sports Desk.

17. However, I was never told that part of my responsibilities involved answering the telephone of Col Allen, the Editor in Chief of the Post, when his secretary was not present.

18. As a result, when his telephone rang during this occasion, I was not aware that I was supposed to answer it.

19. Rather than informing me of this fact, Mr. Allen stormed out of his office and yelled at the Deputy Editor, who was sitting directly next to me, "Will you tell that damn girl to answer the damn phone!"

20. Mr. Allen was screaming very loudly in an open newsroom, in front of all of my friends and colleagues at the Post.

21. As a result, I felt humiliated and embarrassed.

22. In or around February 2009, the New York Post published a racist, offensive and degrading cartoon depicting two white police officers having shot a chimpanzee meant to represent President Obama with the caption, "They'll have to find someone else to write the next stimulus bill."

23. This cartoon set off a series of protests outside the Post's offices and was objected to by many of the Post employees.

24. As an African-American woman, I found the cartoon to be deeply racially offensive. Moreover, I felt the response of various editors and management officials at

the Post showed a complete disregard for my feelings as well as the feelings of other African-American, Hispanic and other employees of color.

25. For example, I was in the office of Mr. Allen when he was discussing the protestors and he said, “most of them are minorities and the majority of them are uneducated,” referring to the protestors who were demonstrating downstairs. Mr. Allen then laughed at the protestors.

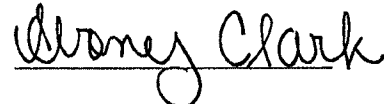
26. I was shocked and hurt by Mr. Allen’s blatant racism.

27. Other white managing editors, including Joseph Robinowitz and Frank Zini, openly made jokes about the cartoon and about how they could not believe any one would be upset at the obviously racist cartoon.

28. However, another Deputy Editor said that she knew the cartoon was offensive but decided not to say anything prior to its publication.

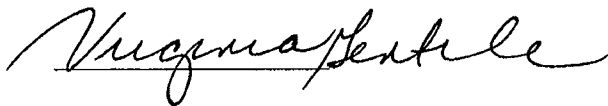
29. In addition, on a separate occasion, I heard Frank Zini make an offensive and derogatory comment about Hispanics.

30. I have not described in this affidavit every offensive, degrading or improper comment or act that I have witnessed or experienced at the Post.

  
Ebony Clark

Sworn to before me on

October 21, 2009

  
Notary Public

VIRGINIA GENTILE  
Notary Public, State of New York  
No. 01GE4960908  
Qualified in Nassau County  
Commission Expires January 2, 20 12